

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAY 16 2018

BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK

JHOVANY HERNANDEZ TOVAR,

Plaintiff,

v.

SCOTT JENKINS,

Culpeper County Sheriff,

Defendant.

Civil Action No. 3:17CV00086

DISMISSAL ORDER

By: Hon. Glen E. Conrad
Senior United States District Judge

This case is presently before the court on the plaintiff's notice of voluntary dismissal. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, a plaintiff has an absolute right to voluntarily dismiss an action prior to service by the defendant of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). Because no answer or motion for summary judgment has been filed in the instant case, the plaintiff is entitled to voluntary dismissal as a matter of right. Accordingly, it is hereby

ORDERED

that this action is **DISMISSED WITHOUT PREJUDICE** and shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order to all counsel of record.

DATED: This 16th day of May, 2018.



Senior United States District Judge